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REPORT ON THE ADMINISTRATION

OF

Civil Justice in Oudh,

DURING THE YEAR ENDING 31st DECEMBER, 1888.

ALLAHABAD:

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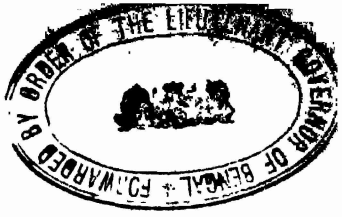

REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE IN OUDH,

During the year ending the 31st December, 1888.

No. 1287 of 1889.

FROM

J. DYSON, ESQ.,

OFFG. JUDICIAL COMMISSIONER, OUDH,

To

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH, JUDICIAL (CIVIL) DEPT.

Dated Lucknow, the 23rd August, 1889.

SIR,

I HAVE the honor to submit a report, together with the prescribed returns, relating to the Administration of Civil Justice in Oudh, during the year ending the 31st December, 1888. The original reports of Commissioners, Deputy Commissioners, District Judges, and Judges of Small Cause Courts are also submitted herewith.

2. The Government sanctioned a statement compiler for two months for the present and last year, but even with this aid, it has been with great difficulty that the report is now ready more than three months after the date fixed for its submission.

3. The amount of net stamp fees realized by Civil Courts during the year under report was Rs. 4,81,481, being Rs. 2,187 less than in the previous year, when Rs. 4,83,668 were realized. The details for each year are given below :—

Income and expenditure. Provincial Returns G. and H.

Judgeship.	1887. Rs.	1888. Rs.	*Difference.* Rs.
Lucknow	1,57,010	1,56,267	−1,043
Sitapur	87,076	80,215	−7,461
Fyzabad	1,15,031	1,13,984	−1,047
Rae Bareli	95,413	94,532	−881
Judicial Commissioner's Court	27,038	36,483	+9,445

The falling off in the judgeships is due to fewer suits of high value having been instituted in the year under report than in the previous year. In the Judicial Commissioner's Court, however, a larger number of first civil appeals were filed.

4. The income and expenditure of all Civil Courts during the two years under review were as follow :—

Income.	1887. Rs.	1888. Rs.	*Difference.* Rs.
Net value of stamps	4,83,668	4,81,481	
Duty and penalty on instruments	3,578	3,517	
Fines	427	291	
Process fees	94,726	1,00,984	
Judicial Record Fund	35,820	38,834	
Total ...	6,18,219	6,25,107	+6,888
Expenditure.			
Salaries of officers and establishment	3,76,889	3,84,609	
Process-serving establishment	58,428	60,056	
Judicial Record Fund	18,886	19,163	
Total ...	4,54,203	4,63,828	+9,625
Surplus ...	1,64,016	1,61,279	

5. To the foregoing figures however two-thirds of the cost of the Judicial Commissioner's Court, which are fairly debitable to the Rent and Criminal Departments, should be added, thus raising the annual surplus to Rs. 2,04,585.

6. The increase in receipts under process fees as a matter of course necessitated an increase in establishment to serve the increased number of processes. That economy in expenditure has been practised is proved by the fact that Rs. 40,928 represent the surplus credited to Government after expenses have been paid. In like manner Rs. 19,671, or more than 50 per cent., of copying fees are credited to Government under the head Judicial Record Fund.

ORDINARY CIVIL COURTS.

IMPERIAL RETURN No. VII.
Suits instituted (ordinary Civil Courts, *i. e.*, exclusive of Small Cause and Rent Courts).

7. There was a falling off in the number of suits instituted in ordinary Civil Courts, exclusive of Small Cause and Rent Courts, during the year 1888, as compared with the figures for 1887. In 1887 the institutions in ordinary Civil Courts aggregated 42,667 and in Small Cause Courts 20,071, whereas in 1888 the institutions in the former were 39,535 and in the latter 23,358, so that the decrease in 1888, in institutions in ordinary Civil Courts amounting to 3,132 suits is counterbalanced by an increase of 3,287 institutions in Small Cause Courts. The total number of institutions in both classes of Courts was 62,738 in 1887 as against 62,893 in 1888.

8. The District Judge of Fyzabad remarked on the institutions in that judgeship as follows :—"The figures showing the institutions for the past year are very "noteworthy, there being a marked difference under each head"—classes of tribunals. "The work before the Honorary Assistant Commissioners is just eleven times that of "1887, while two of these gentlemen have had between them 125 cases as against 107 "in the previous year. The Rája of Nanpara as the result of his restored powers "accounts for 1,052 institutions. In the Munsifs' Courts the work has on the whole "increased, the figures being 12,541 (as against 12,230); but of these 28·7 per cent. "were tried in the Small Cause Court as against 4·7 in 1887. This, as will be seen "further on, has afforded great relief in many ways, and as hardly any complaints have "reached me in regard to exercise of these powers by any of the officers invested with "them, it is fair to conclude that the arrangement gives general satisfaction."

IMPERIAL RETURN No. VIII.
Value of subject-matter of suits (ordinary Civil Courts).

9. There was a considerable increase during 1888 in the value of the subject-matter of ordinary Civil suits, which rose to Rs. 94,57,899 from Rs. 88,34,310 in 1887, the increase being Rs. 6,23,589. The figures for three judgeships show a decrease as compared with those for 1887, *viz.*, Lucknow Rs. 6,22,243, Rae Bareli Rs. 5,09,056, and Sítapur Rs. 1,19,724, but on the other hand there was an increase in the Fyzabad judgeship of Rs. 19,37,612 owing to the institution of the Gonda suit valued at 28 lakhs of rupees. The fluctuations in the figures for the District Judges' Courts in 1887 and 1888 were as follow :—

	1887.	1888.	*Difference.*
	Rs.	Rs.	Rs.
Lucknow	13,80,450	5,57,702	−8,22,748
Sítapur	2,35,633	1,09,309	−1,16,240
Fyzabad	13,68,581	33,09,270	+20,30,689
Rae Bareli	17,75,005	14,19,083	−3,55,922

The average value of each ordinary Civil suit was Rs. 239-3-7 as against Rs. 207-0-1 in 1887, and there were 80 suits valued over Rs. 10,000 each in 1888 as against 84 in 1887.

Description of suits (ordinary Civil suits.)

10. During 1888 only two of the more numerous kinds of suits instituted in ordinary Civil Courts show an increase in number, the other eight classes being fewer in 1888 than in 1887. The figures for both years are as follow :—

	1887.	1888.	*Difference.*
On account stated	2,406	2,750	+ 84
Other suits for money, &c.	1,111	1,416	+ 305
Contract in writing	13,854	12,893	— 961
Ditto not in writing	7,786	6,584	— 1,202
Money had and received	722	689	— 33
Goods sold	2,171	2,162	— 9
Movable property	2,968	2,022	— 946
Damages	1,895	1,605	— 290
Immovable property	6,152	6,137	— 15
For enforcement of matrimonial rights ...	389	269	— 120

11. The following statement shows the classes of ordinary Civil Courts and the number of suits filed in them during the past three years :—

Courts in which suits were instituted.

	1886.	1887.	1888.
Honorary Assistant Commissioners ...	3,104	2,804	3,474
Sub-Judges and Munsifs ...	34,312	32,702	35,945
District Judges	71	98	116

The noticeable increase in the Courts of Honorary Assistant Commissioners is solely due to the restoration of Civil powers to the Rája of Nanpara. The decrease in the figures against Sub-Judges and Munsifs is nominal, the difference being accounted for by more suits being instituted on the Small Cause Court side of their Courts in 1888 than in 1887. The number of officers exercising Small Cause Court powers was increased by three, and it is satisfactory to find that as a result there was a sensible decrease in the total amount of work to be done. It will be seen that institutions in District Judges' Courts are steadily increasing.

12. During 1888 the ordinary Civil Courts disposed of 42,087 suits, being 493 more than in 1887, and at the close of 1888 there were 6,746 suits pending, being 13·8 per cent. of the total for disposal as against 15·7 per cent. in 1887. The mode of disposal of suits in 1887 and 1888 was as follows :—

IMPERIAL RETURN No. IX, PART I.
Mode of disposal (ordinary Civil Courts).

Disposed of without trial.	1887.	1888.	*Difference.*
Plaints rejected or returned	907	980	+ 73
Dismissed for default	7,693	7,848	+ 155
Withdrawn with leave	1,495	1,236	— 259
Disposed of without contest.			
Compromised	5,333	5,713	+ 380
Decreed on confession	5,020	5,020	—
Ditto *ex parte*	4,523	4,459	— 64
Dismissed „	950	877	— 73
Disposed of with contest.			
Judgment for plaintiff	9,840	9,917	+ 77
Ditto defendant	5,473	5,762	+ 289
On reference to arbitration.			
For plaintiff	243	204	— 39
For defendant	97	71	— 26
Pending	7,772	6,746	— 1,026

In both the years 1887 and 1888 the percentage of suits dismissed for default to the total number disposed of was 18.

13. Regarding the causes which led to the high percentages of cases dismissed for default and *ex parte* in the Courts of Sub-Judges and Munsifs, the District Judges write as follows :—

Lucknow.—"The Courts generally state that parties in small cases settle their "disputes very frequently out of Court. * * As there were 69 re-institutions allowed "under section 99, Civil Procedure Code, it appears that the large number of dismissals "for default (1,971) were not due to failure on part of the Courts."

Sitapur.—"There is no doubt that the plaintiffs often allow their petty suits to "be dismissed in default when their debtors submit to their conditions in order to save "themselves from expense."

I am of opinion that as a very general rule officers show due consideration to suitors.

The heaviest pending files in the Courts of the Munsifs were at Gonda and Fyzabad, and among the Sub-Judges the file at Bahraich was extremely heavy.

Distribution of work (ordinary Civil Courts).

14. The number of suits disposed of by each class of Courts during 1887 and 1888 is shown in the following statement:—

	Number of suits disposed of.		*Percentage on total number disposed of.*	
	1887.	1888.	1887.	1888.
Honorary Assistant Commissioners... ...	2,825	3,520	6·7	8·3
Munsifs	31,514	32,329	75·7	76·3
Sub-Judges	7,193	6,144	17·2	14·5
District Judges	62	94	·14	0·22

Duration of suits (ordinary Civil Courts).

15. The following statement shows the average duration of cases in the several classes of Courts in 1887 and 1888:—

	Contested. Days.		*Uncontested.* Days.	
	1887.	1888.	1887.	1888.
Honorary Assistant Commissioners... ...	58·86	68·37	25·34	56·72
Munsifs	75·28	76·75	33·18	44·82
Sub-Judges	74·07	119·49	53·11	70·09
District Judges	212·02	313·11	89·26	84·52

The highest average duration of contested suits was in Courts of District Judges—Rae Bareli 436 days, and Fyzabad 354 days; in the Courts of Sub-Judges—Gonda 301 days, Partábgarh 250 days; and in the Courts of Munsifs—Lucknow 143 days, and Gonda 126 days.

Adjournments (ordinary Civil Courts).

16. The highest number of adjournments in a single case was 37 in the Court of the Munsif, Rae Bareli. Twenty-one adjournments in a case were granted by the Sub-Judges of Kheri and Partábgarh and the Munsifs of Lucknow and Gonda.

IMPERIAL RETURN No. IX. PART 2. Miscellaneous cases (ordinary Civil Courts).

17. There was an increase of 1,137 miscellaneous cases disposed of by ordinary Civil Courts during 1888, as compared with the figures for 1887, in which year 6,196 such cases were disposed of as against 7,333 in 1888. Out of these 7,333 cases 4,523 were contested ones, of which 2,777 were decided in favor of plaintiff and 1,746 in favor of defendant; 1,698 cases were struck off without trial, 300 cases were compromised, 315 were decreed on confession, and 495 were decreed or dismissed *ex parte*. Two cases were referred to arbitration.

18. The average duration of cases was—

	Contested. Days.		*Uncontested.* Days.	
	1887.	1888.	1887.	1888.
Honorary Assistant Commissioners... ...	50·01	41·37	45·68	49·02
Munsifs	32·91	27·36	27·04	31·12
Sub-Judges	34·94	45·53	23·93	26·12
District Judges	68·87	104·91	47·37	74·90

The average duration of contested cases in all classes of Civil Courts rose from 63 days in 1887 to 74 days in 1888. The duration of uncontested cases, which was 32 days in 1887, rose to 43 days in 1888. These figures are not satisfactory, but they are in some degree due to the lengthier pleading, the severe examination of witnesses, and more frequent reference to rulings which result from the employment of pleaders in almost every case.

IMPERIAL RETURN No. X, PART 1. Appeals from decrees (ordinary Civil Courts).

19. During the year under report 3,622 appeals were instituted in the Courts of District Judges and Subordinate Judges, being 122 in excess of the number in the preceding year. The following statement shows the number of appeals that were before the Courts in 1887 and 1888, and how they were disposed of :—

	1887.	1888.	Percentage on total number disposed of. 1887.	1888.
Total number of appeals for hearing	4,413	4,867	...	...
Rejected	124	150	3·88	4·02
Dismissed for default	119	196	3·72	5·25
Heard ex parte.				
Confirmed	24	25	0·94	1·31
Modified	1	6		
Reversed	4	7		
Remanded	1	11		
Contested.				
Confirmed	1,865	2,150	58·44	57·84
Modified	267	306	8·36	8·21
Reversed	481	519	15·07	13·92
Remanded	305	351	9·55	9·41
Pending	1,222	1,140	...	...

20. Fewer appeals remained pending at the close of 1888 than at the close of 1887, and of 1,140 pending, 328 were in the Courts of Sub-Judges. The Sub-Judge, Gonda, had 156 pending as against 147 pending at the close of 1887. There were 812 appeals pending in the Courts of District Judges, *viz.*, Fyzabad 339, Lucknow 174, Rae Bareli 151, and Sítapur 148.

21. The average duration of appeals rose to 116 days from 107 in 1887. In District Judges' Courts the highest average was in Lucknow 180 days, where "criminal work and increased institutions were the reasons for increased duration."

The highest average duration in the Sub-Judges' Courts was 127 days in Gonda followed by 109 days in Bahraich, and the lowest was 36 days in Unao.

22. The Sub-Judge who was in a great measure responsible for the arrears in Gonda has been transferred to other work, and a satisfactory change has been effected in the state of the files. The Bahraich Sub-Judge has very heavy work, but this year the Honorary Assistant Commissioner is giving material assistance.

Appeals to the Court of Judicial Commissioner.

23. During 1888 there were 709 first and second civil appeals before the Judicial Commissioner as against 589 in 1887. The figures for each year are here given :—

	1887.	1888.	Percentage on total for disposal. 1887.	1888.
Rejected	7	4	2·54	1·42
Dismissed for default	8	6		
Heard ex parte.				
Confirmed	3	2	0·50	0·23
Modified	...	...		
Reversed	...	...		
Remanded	...	...		

Contested.			1887.	1888.	*Percentage on total for disposal,* 1887.	1888.
Confirmed	...	...	200	195	33·05	27·50
Modified	...	...	22	34	3·73	4·79
Reversed	...	...	69	75	11·71	10·57
Remanded	...	...	3	2	0·50	0·28
	Pending	...	277	391	47·02	55·14

The average duration during 1888 of first civil appeals was 317 days and of second civil appeals 295 days.

IMPERIAL RETURN No X, PART 2. Miscellaneous (Judicial Commissioner's Court).

24. There were also 132 miscellaneous civil appeals before the Judicial Commissioner during 1888, in addition to the appeals referred to in the preceding paragraph, and 65 remained pending at the close of the year. Applications for revision under section 622, Civil Procedure Code, numbered 258 as against 188 in 1887. The 258 applications were disposed of as follows :—rejected or dismissed 87, decree confirmed 84, reversed or modified 11, remanded 3, and 73 remained pending. The average duration was 132 days.

Courts of District and Subordinate Judges.

25. During 1888 District Judges disposed of 318 miscellaneous civil appeals as against 292 in 1887, and Sub-Judges disposed of 46 such appeals in 1888 as against 23 in the preceding year. The mode of disposal of the 364 appeals was as follows :—115 were rejected or dismissed; orders were confirmed in 141 cases, modified in 4 cases, and reversed in 60 cases. In 40 cases the orders were remanded under section 562, Civil Procedure Code. At the close of the year there were 104 cases pending as against 79 at the close of 1887. The average duration was 78 days as against 45 days in 1887.

IMPERIAL RETURN No. XI. Execution of decrees (ordinary Civil Courts).

26. As compared with the figures for 1887, there was an increase during the year under report of 1,911 in the number of applications for execution of decree which came before ordinary Civil Courts for disposal, *viz.*, 28,004 as against 26,093 in 1887. The following statement shows the mode of disposal of such applications during the years 1887 and 1888 :—

			1887.	1888.	*Percentage to total number of applications.* 1887.	1888.
Satisfied in full	...	...	8,921	9,541	34·18	34·07
Ditto in part	...	...	3,185	3,387	12·20	13·7
Wholly infructuous	...	...	9,817	10,606	37·62	37·87
	Pending	...	4,170	4,020	15·98	14·35

27. There was an increase of 1·39 per cent. in the number of decrees satisfied completely or partially during 1888 as compared with the figures for 1887. Though the result is not as good as it was in 1886, it compares favorably with the percentage of decrees executed in full and in part by the ordinary Civil Courts in the North-Western Provinces during 1888, which is 29·6.

28. With regard to the rise in the number of infructuous decrees the District Judge, Sitapur, remarks :—"It is clear that the decree-holders generally in petty "cases at first apply for execution of decree by attachment of the judgment-debtor's "movable property, and when on attachment the judgment-debtors submit to give "them a fresh bond including the costs of execution of decree, they let their applications be struck off in default."

IMPERIAL RETURN No. XII. Insolvency (ordinary Civil Courts).

29. There were 53 applications for declaration of insolvency before the Courts in 1888, being three more than in 1887. They were disposed of thus :—35 were rejected, 8 were granted, 1 was transferred, and 9 remained pending at the close of the year.

30. The number of witnesses examined in ordinary Civil Courts rose to 57,256 in 1888 as against 54,051 in 1887, being an increase of 3,205. Of the total number of witnesses examined over 90 per cent. were detained only one day.

PROVINCIAL RETURN No. XV. Witness statement (ordinary Civil Courts).

31. The receipts in Civil Courts, exclusive of Small Cause Courts proper, on account of Process fees amounted to Rs. 92,485 in 1888, of which Rs. 61,350 were expended, leaving a surplus of Rs. 31,135. In 1887 the surplus fees amounted to Rs. 26,475.

PROVINCIAL RETURN No. XVI. Process fees

32. Exclusive of Small Cause Courts proper, the Civil Courts during 1888 realized Rs. 9,364 on account of Sale Commission Fund and expended Rs. 1,782, leaving a surplus of Rs. 7,582. The surplus in 1887 was Rs. 8,540.

PROVINCIAL RETURN No. XVIII. Sale Commission Fund.

33. *Lucknow*.—The establishment weeded 8,622 B files in the Courts of the District Judge, Sub-Judge and two Munsifs, selected for destruction 8,586 applications for copies, punched and examined 5,073 applications for copies, assisted the record-keeper in filing 1,800 cases of application for execution of decree for 1887-88 with the original suits, and in bringing out from the record-room 2,870 files and restoring them to their respective bundles.

Records.

Unao.—Beside weeding 2,587 B files the establishment prepared lists of 4,075 cases, selected 5,985 applications for copies, and copied the old record-room registers of the Deputy Commissioner's office relating to Purwa tahsíl from 1867 to July 1879, containing 13,352 cases.

Bara Banki.—The establishment weeded 4,203 A files and 3,613 B files, besides filing with original suits 3,000 execution files, leaving 4,885 to be so filed.

The arrears in the Lucknow judgeship amount to 1,500 A and 15,464 B files to be weeded, which will take a very long time to do in addition to the heavy current work unless the establishment be appreciably increased.

Sítapur.—In the Courts of the District Judge, Sub-Judge and Munsif 6,587 A files and 6,833 B files were weeded. There are no arrears in these Courts.

Hardoi.—The very large number of 24,112 A files were weeded; but A files from 1881 and B files from 1884 remain to be weeded.

Kheri.—The establishment weeded 3,071 A files and 3,357 B files; but Civil records from 1870 to 1878 still remain to be taken over from the Deputy Commissioner's office, and A files for 1867-68 and 1869 and B files from 1885 remain to be weeded.

Fyzabad.—The establishment weeded 4,100 A files and 17,113 B files, which latter includes 2,243 applications for copies. There remain A files for 1881 and B files for 1885 to be weeded.

Gonda.—The work done during 1888, *viz.*, 3,201 A files and 3,075 B files, was not as much as in the preceding year, and shows that there was lax supervision.

Bahraich.—The large number of B files, 12,196, weeded during 1888 show that the establishment worked hard.

Rae Bareli.—A very much larger amount of work than in 1887 was got through in 1888, when 4,630 A files and 13,485 B files were weeded; leaving A files from 1881 and B files from 1886 to be weeded.

Sultánpur.—B files to the number of 9,018 were weeded, leaving A files from 1875 and B files from 1885 to be done.

Partábgarh.—The establishment weeded 9,539 A files and 3,624 B files, being much more work than in 1887. A files from 1882 and B files from 1885 remain to be weeded.

On the whole the weeding of records throughout the Province has been well done.

SMALL CAUSE COURTS.

34. The number of suits instituted during 1888 in Small Cause Courts of all kinds aggregated 23,358, being 3,287 in excess of the number of suits filed in 1887. Small Cause Courts proper show a falling off of 179 suits as compared with the figures for 1887, but the institutions in the Courts of Sub-Judges and Munsifs on the Small Cause Court side rose from 12,809 in 1887 to 16,275 in 1888.

IMPERIAL RETURN No. VII. Suits instituted (Small Cause Courts).

35. The most noticeable fluctuations in the classes of suits instituted in 1888 as compared with the figures for 1887 are as follow:—

Contract in writing	+ 2,396
Ditto not in writing	+ 757
Goods sold	+ 357
Movable propery	+ 328
Other suits for money, &c.	− 318
On account stated	− 250
Rent not falling under Rent Law	− 240
Money had and received...	− 126

36. Owing to the increase in the number of suits filed during the year under report in Small Cause Courts, as compared with the number filed in the preceding year, the value of the subject-matter involved rose to Rs. 6,65,040 from Rs. 5,99,742 in 1887, being an increase of Rs. 65,298.

IMPERIAL RETURN No. VIII. Value of suits instituted (Small Cause Courts).

37. The average value per suit of those instituted in all classes of Small Cause Courts fell from Rs. 29-14-1 in 1887 to Rs. 28-7-6 in 1888, and the percentage of suits valued at more than Rs. 50 was 11·4 in 1888 as against 12·7 in 1887.

38. As compared with the figures for 1887 the value of suits instituted during 1888 in the Courts of Sub-Judges and Munsifs on the Small Cause Court side shows an increase of Rs. 80,823, but the Lucknow City Small Cause Court shows a decrease of Rs. 13,693.

39. The number of suits, 24,953, that came before Small Cause Courts for disposal during 1888 exceeded the figures for 1887 by 3,715. This increase is due to more Sub-Judges and Munsifs exercising Small Cause Court powers in 1888 than in the previous year.

IMPERIAL RETURN No. IX, PART I. Mode of disposal (Small Cause Courts).

40. The percentages of modes of disposal of such suits calculated on the total number before the Courts during 1887 and 1888 are here given :—

	Percentage to total number of suits for disposal.		*Difference.*
	1887.	1888.	
Without trial	16·6	16·7	+0·1
Without contest.			
Compromised	13·5	15·5	+2·0
Decreed on confession	17·4	19·7	+2·3
Ditto *ex parte*	15·5	14·5	−1·0
Dismissed	1·5	1·1	−0·4
With contest.			
By arbitration	0·3	0·2	−0·1
In favor of plaintiff	18·7	15·8	−2·9
Ditto defendant	8·1	6·9	−1·2
Pending ...	8·0	9·0	+1·0

The average duration of contested cases rose to 37 days from 32 days in 1887, and of uncontested cases to 34 days from 26 days in 1887.

IMPERIAL RETURN No. IX, PART 2. Miscellaneous cases (Small Cause Courts).

41. During the year under report there were 1,132 miscellaneous cases before the Small Cause Courts, being 302 in excess of the figures for the previous year. Of these 1,132 cases, 664, or 58 per cent., were contested, 384 being decided in favor of plaintiff and 280 in favor of defendant; 243, or 21 per cent., were disposed of without trial: four cases by arbitration, and 137 cases, or 12 per cent., without contest, leaving 84 cases, or 7 per cent., pending at close of year.

IMPERIAL RETURN No. XI. Execution of decrees (Small Cause Courts).

42. An increase in the number of suits for disposal before the Small Cause Courts naturally led to an increase in the number of applications for execution of decree, which numbered 11,969 in 1888 as against 9,885 in 1887, being an increase of 2,084. The mode of disposal of such applications during the year under report and the preceding year as also the cash realized are shown below :—

	Applications.		*Percentage to total number of applications.*	
	1887.	1888.	1887.	1888.
Satisfied in full	2,923	3,167	29·57	26·46
Ditto part	2,021	2,229	20·44	18·62
Wholly infructuous	4,174	5,806	42·22	48·50
Pending ...	767	767	7·65	6·40

	1887. Rs.	1888. Rs.	*Difference.* Rs.
Amount realized with issue of process	1,00,381	1,18,792	+18,411
Ditto without „	16,630	19,177	+ 2,547

Decrees fully or partially executed show a falling off of 5 per cent. as compared with the percentage for 1887, but the amount realized increased by nearly 18 per cent.

PROVINCIAL RETURN No. XV. Witness statement (Small Cause Courts proper).

43. There was a decrease during 1888 in the number of witnesses examined in the Courts of the Lucknow City, Lucknow Cantonment and Fyzabad Cantonment Small Cause Courts, *viz.*, 2,999 as against 3,531 in 1887. Only 81 witnesses were detained two days, the rest being discharged on the day they attended.

PROVINCIAL STATEMENT No. XVI. Process Fee Fund.

44. During 1888 Small Cause Courts proper realized Rs. 6,647 on account of Process Fee Fund and expended Rs. 5,345, leaving a surplus of Rs. 1,301. The surplus in 1887 amounted to Rs. 1,465.

PROVINCIAL STATEMENT No. XVIII. Sale Commission Fund.

45. The Small Cause Courts proper realized Rs. 388 during 1888 on account of Sale Commission Fund and disbursed Rs. 144, leaving a surplus of Rs. 244. In 1887 the surplus amounted to Rs. 204.

RENT COURTS.

IMPERIAL RETURN No. VII. Suits instituted (Rent Courts).

46. There was during the year 1888, in which 27,845 suits were filed in the Rent Courts, a slight increase over the number filed in 1887, which aggregated 26,797 suits, the difference being 1,048.

A comparative statement of the number of rent suits instituted in the several districts during the years 1887 and 1888 is here given :—

	Institutions.		Percentage of increase or decrease in 1888.
	1887.	1888.	
Fyzabad	3,567	3,952	+ 10·
Gonda	3,428	3,275	— 5·
Unao	3,176	3,162	— 0·45
Sultánpur	3,283	3,070	— 6·49
Hardoi	2,555	2,955	+ 15·65
Partábgarh	2,362	2,547	+ 7·83
Bara Banki	1,747	2,235	+ 27·93
Bahraich	1,984	1,888	— 4·84
Lucknow	1,692	1,812	+ 7·09
Rae Bareli	1,328	1,396	+ 5·12
Kheri	841	833	— 0·95
Sítapur	834	720	— 13·66

Fluctuations in classes of suits.

47. The following comparative statement shows the number of each class of suit filed during the years 1887 and 1888 :—

	1887.	1888.	Difference.
Arrears of rent	19,547	19,549	+ 2
Enhancement or abatement of rent ...	75	152	+ 77
Relating to distraint	318	411	+ 93
Damages for extortion, &c.	379	398	+ 19
For pattas or kabuliats	44	68	+ 24
„ ejectment or recovery of possession ...	3,692	3,594	— 98
„ recovery of money or accounts from agents.	35	61	+ 26
All other suits not included in above ...	2,670	3,612	+ 942

48. The following remarks are extracted from the rent reports of Deputy Commissioners :—

Unao.—The increase under "all other suits" is chiefly under clauses 8, 15 and 16, section 108, Rent Act, "For contesting notice of enhancement or ejectment" and "By and against lambardárs and co-sharers for profits, arrears of rent, accounts, &c."

Sítapur.—The rent litigation shows a decrease of nearly 14 per cent. The decrease lay almost entirely in suits for arrears of rent.

Hardoi.—The Commissioner of the Division remarks :—"Suits for arrears of rent without patta have increased most wonderfully—1,976 in 1888 as against 1,162 in 1886. Probably the Deputy Commissioner is right in believing this increase to be temporary."

Kheri.—Increase under "all other suits" is due to a greater number of notices of ejectment being contested.

Fyzabad.—Regarding an increase of 581 suits for contesting notice of ejectment the Commissioner of the Division remarks :—"The increase is not surprising since there is now a more general knowledge of the way by which ejectments can be effected or defended."

Rae Bareli.—There is again a marked increase (more than double) of suits for ejectment or recovery of possession.

49. It is difficult to draw any reliable conclusions from the figures which the 12 districts present. In Hardoi and Bara Banki the increase is marked, and is chiefly in suits for arrears of rent. The Deputy Commissioner of the former district thinks the increase temporary, and of the latter that it is owing to the bad rabi crops of 1295 fasli. In respect of more than one district it is stated that landlords have now found out how ejectment suits may be successfully instituted and have profited

by this knowledge, and no doubt in some districts the increase in this class of cases is considerable, and yet it is satisfactory to find that the total number is actually less than in 1887.

50. The value of the subject-matter of rent suits filed in 1888 rose to Rs. 9,43,520 as against Rs. 9,08,514 in 1887, being an increase of Rs. 35,006. The increase of the number of suits filed in 1888 as compared with the figures for 1887 is :—

IMPERIAL RETURN No. VIII. Value of suits (Rent Courts).

	Rs.	*Per cent.*
Of value not exceeding	10	1·4
Ditto	50	3·4
Ditto	100	17·1
Ditto	500	9·0
Ditto	1,000	14·1

In 1888 there were 64 suits of value not exceeding Rs. 5,000 as against 69 in 1887; two suits of value not exceeding Rs. 10,000 as against none in 1887, and in each of the years named there was one suit valued at over Rs. 10,000.

51. The suits that came before the Rent Courts for disposal in 1888 numbered 30,846, being 1,805 more than in 1887. In both years they were disposed of as follows :—

IMPERIAL RETURN No. IX, PART 1. Disposal of suits (Rent Courts).

	1887.	1888.	*Percentage to total number of suits for disposal.* 1887.	1888.
Without trial.				
Rejected	302	221	1·03	0·71
Dismissed for default	2,607	2,385	8·97	7·73
Withdrawn	1,007	1,212	3·77	3·92
Without contest.				
Compromised	1,360	1,328	4·68	4·28
Decreed on confession	3,397	3,216	11·69	10·42
Ditto *ex parte*	5,912	6,150	20·35	19·93
Dismissed „	530	581	1·82	1·89
By arbitration.				
For plaintiff	25	61	0·09	0·22
„ defendant	2	7		
With contest.				
For plaintiff	8,723	9,820	30·03	31·83
„ defendant	2,874	3,385	9·89	10·97
Pending	2,212	2,485	7·61	8·05

The average duration of suits was lower in 1888 than in 1887, the figures being :— contested suits 31 days, uncontested suits 21 days, as against 32 days and 24 days respectively in 1887.

52. District Officers write as follows regarding rent suits dismissed for default and *ex parte* :—

Bara Banki.—" Having gone very carefully into this matter when Deputy Commissioner of Sultánpur, I found there were in almost every instance excellent reasons " for the dismissal of the cases either *ex parte* or in default."

Hardoi.—" Non-attendance of the parties on dates fixed." On which the Commissioner of the Division remarks: " Deputy Commissioner does not show if he has " satisfied himself that there was not undue haste in striking off cases. Probably the " great majority of defaults were owing to compromise effected out of Court, but this is " not stated."

Kheri.—" Inspection of files of remaining Courts show that cases were punctually " taken up and that officers are in no way to blame for high percentages."

Fyzabad.—" Of 117 cases dismissed for default by M. Mahfuz Ali, M. Chunni " Lal and M. Fazl Haq, re-hearing was admitted in 17 cases. In the remainder it is " reported that in some claims were satisfied out of Court, while in others the " plaintiffs considering their claims weak did not appear on the dates fixed. Of 401 " cases decreed *ex parte* by M. Mahfuz Ali, M. Khizr Muhammad Khan, and M. Fazl " Haq the majority were Mehdauna cases."

" It is the general practice of tenants in the Mehdauna estate not to pay without " a suit being brought. Last year I examined 300 files of cases decided *ex parte* and " found that in almost all cases the statement of the patwári had been recorded before " passing judgment, and applications for re-hearing were very few."

Bahraich.—" There is no reason to doubt (*sic*) that the Courts were in any way " to blame, for it will be found that the parties absent themselves only when they are " successful in compromising their cause or when they are of opinion that the claim " cannot be resisted."

Partábgarh.—" Two hundred and nine cases were dismissed for default. Only " 19 applications were made for re-institution of suit, so that it may be presumed " that little or no hardship was inflicted. The same may be said of cases dismissed " *ex parte*. I have examined several of the cases dismissed *ex parte*, and find the " procedure is almost invariably correct. As a fact more than half these rent suits " are brought simply to prevent debts from lapsing through efflux of time, and the defend- " ants know that it is of no use to contest them. This is shown by the fact that out of " 879 cases decided in this manner only 22 applications were filed for setting aside such " decisions."

53. The remarks of the Commissioners and Deputy Commissioners on this matter are full, and, I think, satisfactory. There is no room for believing that the dismissals in default or decrees *ex parte* are due to any cause other than the indifference of the parties concerned.

54. There was an increase in the number of miscellaneous cases before the Rent Courts in 1888 as compared with the number in 1887, in which year there were 5,702 cases as against 7,196, in 1888, thus disposed of:—990 cases, or 13·75 per cent., without trial; 532, or 7·39 per cent., were compromised; 2,602, or 36·15 per cent., without contest; 2,865, or 39·81 per cent., were decided with contest: 2,031 in favor of plaintiff and 834 in favor of defendant, leaving 207, or 2·87 per cent. pending at the close of the year. The average duration of such cases has fallen considerably, as it was 36 days for contested and 27 days for uncontested cases in 1887, whereas in 1888 it was only 20 days for contested and 12 days for uncontested cases.

IMPERIAL RETURN No. X, PART 2. Miscellaneous cases (Rent Courts).

Regarding the increase in miscellaneous cases the Deputy Commissioner of Hardoi writes:—" I am not sorry to see the increase under section 80, as it would seem to " indicate a tendency to resort to Courts and not to force. The very great increase " under section 82 is no doubt due to the greater punctuality now enforced in the pay- " ment of the revenue. Zamíndárs being required to pay up insist on their tenants " paying up also. The tendency in this district was to allow the revenue payments to " drag on through the year. This re-acted on the tenants. Now prompt payments " are insisted on, and tenants will realize they must pay also. Another reason doubtless " is that if landlords are not beforehand the mahájans will get possession of the tenant's " produce. There is also an impression in some quarters that tenants cannot be ejected, " and this doubtless leads many to lose no time in getting in their rents under section " 82."

The explanation of the Deputy Commissioner in respect of cases under section 80 is, I think, satisfactory, and he no doubt correctly accounts for the large increase in applications for sale. Probably the threat was in many instances sufficient. There is, however, no return which shows the result of such applications.

55. The Deputy Commissioner of Rae Bareli writes:—"I believe the effect of "sections 23 and 24 of the Rent Act has been distinctly to check the construction of "wells by tenants. A landlord in 19 cases out of 20 meets a tenant who wants to "build a well with a demand for a *bázdáwa*, or relinquishment of his claim to compen- "sation for improvement if ejected. Probably neither party realizes that such a "relinquishment is invalid under section 4, and that a tenant cannot contract himself "out of the right to compensation. Any how the tenant does not understand this, and "the demand for a *bázdáwa* generally suffices to check his zeal for improvement. If "he does come into Court under section 24, the proprietor invariably objects that there "is a well within a few hundred yards from which applicant might possibly get water, "or that a *khám* well would answer the purpose, or that the tenant is *sharír*, or that "the landlord will make the well himself in course of time, or, which is of course "always the real reason, that he does not wish to have to pay compensation if he evicts "the tenant. This disinclination to allow tenants to get a *quasi* hold on the land by "improving it is natural and might have been foreseen, but it is not the less a serious "check on agricultural progress."

56. During 1888 there were 2,911 appeals before the Rent Courts as against 3,080 in 1887. The mode of disposal was as follows:— 105 were rejected or dismissed, eight were trans- ferred, and 54 were heard *ex parte*. The contested appeals resulted in 1,326 decrees being confirmed, 202 modified, 359 reversed, and 237 cases being remanded, leaving 622 appeals pending at the close of the year. The average duration of appeals in the Courts of Deputy Commissioners fell to 34 days as against 49 days in 1887, and in Courts of Commissioners to 89 days from 150 days in 1887.

IMPERIAL RETURN No. X, PART I. Appeals from decrees (Rent Courts).

57. Commissioners disposed of 1,410 appeals in 1888, being 52 less than in 1887, leaving 573 pending at the close of the year, as shown below:—

	Disposed of.	*Pending.*	*Average duration.* Days.
Fyzabad	506	369	147
Rae Bareli	391	41	51
Lucknow	357	134	67
Sitapur	156	29	57

58. The Commissioner, Lucknow Division (Colonel G. E. Erskine), writes:— "It was rightly anticipated when the revision of the Rent Law was before the Legis- "lative Council that the appellate work of Commissioners would be considerably "reduced as a consequence of the very great diminution in the number of ejectment "cases, and, for this reason, it was deemed right to amend the law, so as to divert to "the Commissioner's Court a large number of appeals previously heard by Deputy "Commissioners. I think this was a measure to be regretted, both on account of the "inconvenience caused to the people and the extravagance of employing so highly paid "an officer as the Commissioner to decide these petty cases. The greater number of "appeals which I have had to decide relate to claims for small sums on account of "arrears of rent or profits. Under the old procedure these matters would have been "dealt with in appeal at the head-quarters of the district in which the litigants live; "now the parties have at serious expenditure of time and money to come to Lucknow. "And, at any rate in Lucknow, where the lawyers rarely let a single rent appeal escape "them, a lamentable inroad is made on the time at the Commissioner's disposal, and he "has to spend many hours in dealing with the petty disputes which arise in rent suits "and suits for settlement of accounts which would be far more usefully devoted to "weightier questions."

The Commissioner of Fyzabad Division (Mr. A. H. Harington) in his report points out the necessity for relieving the Commissioner of that Division of a portion of the rent appellate work. During the current year the Deputy Commissioners of

Bahraich and Gonda have been invested with the powers of a Commissioner to hear appeals, and 332 pending appeals have been transferred to them from the Commissioner's file.

59. The remarks as to the expense and inconvenience to litigants in two districts of each division of prosecuting petty appeals in the Commissioner's Court at a great distance from their homes are worthy of consideration. This is not the time, when other changes are pending, to make any general re-distribution of rent appeals; but I need only point out that the provisions of the Act are sufficiently elastic to provide a remedy (see clause 2, section 115) which can be applied later on if necessary.

60. Only 925 rent appeals were before Deputy Commissioners for disposal in 1888 as against 1,346 in 1887, and 878 disposed of, leaving 47 pending at the close of the year. The average duration was 34 days against 50 days in 1887.

61. The Judicial Commissioner disposed of 351 rent appeals during the year under report as against 446 in the previous year. The appeals were disposed of in the following manner :—85 were rejected or dismissed, in 181 cases the decrees were confirmed, in 66 cases reversed or modified, and three cases were remanded. At the close of the year 177 appeals remained pending and the average duration was 231 days.

62. Commissioners and Deputy Commissioners had before them 215 miscellaneous rent appeals in 1888, and of these 27 were rejected, dismissed or transferred. The orders in 109 cases were confirmed, in 34 modified or reversed, and 25 cases were remanded. At the close of the year 20 appeals remained pending and the average duration was 30 days.

IMPERIAL RETURN No. X, PART 2. Miscellaneous appeals (Rent Courts).

63. There were only 39 miscellaneous rent appeals before the Judicial Commissioner in 1888, and of these 5 were rejected or dismissed. The orders in 17 cases were confirmed, and reversed or modified in 6 cases, leaving 11 appeals pending at close of the year. The average duration was 255 days.

64. The Rent Courts had before them in 1888 applications for execution of decree to the number of 15,145, being 325 more than during 1887. A statement showing mode of disposal of such applications is here given :—

IMPERIAL RETURN No. XI. Execution of decrees (Rent Courts).

			Percentage to total number of applications.	
	1887.	1888.	1887.	1888.
Satisfaction in full	7,750	8,205	52·29	54·17
Ditto in part	1,648	1,700	11·12	11·22
Wholly infructuous	4,212	4,247	28·28	28·04
Pending	1,210	993	8·16	6·55
In which debtor imprisoned	130	73	0·87	0·48
Ditto „ arrested	151	95	1·01	·62
Ditto movable property sold ...	1,390	1,434	9·37	9·46
Ditto „ „ attached ...	3,275	3,898	22·09	25·34
Ditto immovable property sold ...	206	211	1·39	1·39
Ditto „ „ dealt with under section 305, &c., Civil Procedure Code,	13	5	0·08	0·03
In which immovable property attached ...	190	216	1·28	1·42
Ditto possession given of movables ...	2	3	0·01	0·01
Ditto „ „ immovables ...	1,044	1,145	7·04	7·56
Ditto contract was enforced ...	61	...	0·40	...
Ditto execution otherwise effected ...	3,024	3,079	20·40	20·38
	Rs.	Rs.		
Amount realized ... { With issue of process...	2,59,892	2,78,500	...	...
Amount realized ... { Without „ „ ...	21,523	28,978	...	...

This return shows an improvement on 1887, and is, I think, very satisfactory. Considerably more than half the decrees were fully executed and in only 28 per cent. were they productive of no result.

65. During the year under report 15,798 witnesses were examined by the Rent Courts as against 14,258 in the previous year. Of the 15,798 witnesses 15,456, or 97·82 per cent., were discharged on the day of their attendance, 299 were detained two days, and 42 for three days and over. As usual the Oudh Courts show no undue detention of witnesses.

PROVINCIAL RETURN No. XV. Witnesses examined (Rent Courts).

66. The receipts of the Process Fee Fund rose from Rs. 43,509 in 1887 to Rs. 47,119 in 1888, in which year the expenditure fell to Rs. 40,590 from Rs. 42,490 in 1887. The surplus rose from Rs. 1,018 in 1887 to Rs. 6,529 in 1888.

PROVINCIAL RETURN No. XVI. Process Fee Fund (Rent Courts).

67. The Sale Commission Fund receipts were Rs. 4,180, the expenditure Rs. 609, and the surplus Rs. 3,571 in 1888. In 1887 the receipts were Rs. 3,218, the expenditure Rs. 615, and the surplus Rs. 2,603.

PROVINCIAL RETURN No. XVIII. Sale Commission Fund (Rent Courts).

COURT OF THE JUDICIAL COMMISSIONER.

68. Besides the work detailed in previous paragraphs, 97 miscellaneous applications and 6 references were disposed of by the Judicial Commissioner in 1888.

Revision and reference.

69. Twenty applications for leave to appeal to Her Majesty's Privy Council and 38 applications from pleaders for enrolment or promotion were also disposed of during the year under report.

Miscellaneous work.

I have the honor to be,

SIR,

Your most obedient servant,

JOHN DYSON,

Offg. Judicial Commissioner, Oudh.

APPENDICES.

IMPERIAL RETURN No. VII.—(Civil and Rent).

Showing the number and description of Civil and Rent suits instituted in the Courts of the Province of Oudh during the year 1888.

Class of tribunals.	Suits for money or movable property.									
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and material.	Rent not falling under the Rent Law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.
1	2	3	4	5	6	7	8	9	10	11
Civil Courts.										
Unpaid tribunals	904	760	461	179	963	138	18	263	156	159
Paid sub-divisional tribunals ...	11,971	5,824	2,288	509	1,798	422	247	1,758	1,449	1,254
Small Cause Courts	8,479	4,612	2,702	489	3,141	607	547	1,421	795	565
District Courts	18	...	1	1	1	...	1	1	...	3
Total ...	21,372	11,196	5,452	1,178	5,303	1,167	813	3,443	2,400	1,981
Revenue (Rent) Courts.										
Unpaid local tribunals ...	...	...	...	...	...	...	...	...	...	...
Other subordinate Courts ...	...	...	...	...	...	...	...	...	...	...
District Courts	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...
Courts at the seat of Government,	...	...	...	...	...	...	...	...	...	...
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...	...	...
Superior Courts	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...
Grand Total ...	21,372	11,196	5,452	1,178	5,303	1,167	813	3,443	2,400	1,981

Class of tribunals.	Suits under the Rent Law.							
	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts on account of illegal restraint or other causes.	For pattas or kabuliats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the Rent Law not included in above.
1	12	13	14	15	16	17	18	19
Civil Courts.								
Unpaid tribunals	...	...	...	...	...	...	...	...
Paid sub-divisional tribunals ...	...	...	...	...	...	...	...	...
Small Cause Courts	...	...	...	...	...	...	...	...
District Courts	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...
Revenue (Rent) Courts.								
Unpaid local tribunals ...	548	...	...	...	...	1	...	10
Other subordinate Courts ...	18,991	152	411	398	68	3,591	61	3,597
District Courts	10	...	...	...	...	2	...	5
Total ...	19,549	152	411	398	68	3,594	61	3,612
Courts at the seat of Government,	...	...	...	...	...	...	...	...
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...
Superior Courts	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...
Grand Total ...	19,549	152	411	398	68	3,594	61	3,612

Class of tribunals.	Title and other suits.																		Grand Total.
	Suits for immovable property.	Suits for declaratory decree.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligation on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion or caste.	Administration suits.	Inter-pleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	
1	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
Civil Courts.																			
Unpaid tribunals	25	1	1	9	...	1	...	1	...	12	3	...	...	...	...	...	...	20	3,474
Paid sub-divisional tribunals ...	6,076	263	285	1,023	80	38	1	93	4	246	34	...	...	...	...	12	1	269	35,945
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	23,358
District Courts	36	9	...	10	...	...	...	16	...	11	4	...	...	...	...	...	...	4	116
Total ...	6,137	273	286	1,042	80	39	1	110	4	269	41	...	...	...	...	12	1	293	62,893
Revenue (Rent) Courts.																			
Unpaid local tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	559
Other subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	27,269
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	17
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	27,845
Courts at the seat of Government,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total ...	6,137	273	286	1,042	80	39	1	110	4	269	41	...	...	...	...	12	1	293	90,738

IMPERIAL RETURN No. VIII.—(Civil and Rent).

Showing the number and value of suits instituted in the Civil and Rent Courts of the Province of Oudh during the year 1888.

Class of Court.	Number of suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
Civil Courts.										Rs. a. p.	
Unpaid tribunals	1,489	1,632	321	19	...	...	...	...	13	73,906 14 4	
Paid sub-divisional tribunals	8,901	15,521	5,445	4,278	759	560	53	...	428	38,38,543 6 5	
Small Cause Courts	9,177	11,506	1,497	1,178	...	...	...	...	...	6,65,040 8 4	
District Courts	...	1	2	...	...	...	4	80	29	55,45,448 0 2	
Total ...	19,567	28,660	7,265	5,475	759	560	57	80	470	1,01,22,938 13 3	
Revenue (Rent) Courts.											
Unpaid local tribunals	250	276	30	3	...	...	...	...	...	8,174 1 9	
Other subordinate Courts	11,968	11,542	2,217	1,295	143	64	...	...	40	9,11,206 14 5	
District Courts	...	8	2	2	2	...	2	1	...	24,137 9 0	
Total ...	12,218	11,826	2,249	1,300	145	64	2	1	40	9,43,520 9 2	
Grand Total ...	31,785	40,486	9,514	6,775	904	624	59	81	510	1,10,66,459 6 5	

IMPERIAL RETURN No. IX—(Civil and Rent).

Showing the general result of the trial of Civil and Revenue (Rent) cases in the Courts of Original Jurisdiction in the Province of Oudh in the year 1888.

PART I.—Civil and Rent Suits.

Class of Court.	Total number of suits before the Courts.	Number of cases disposed of—										Pending at close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases.		Remarks.
		Transferred to other Courts.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—Civil Courts.																
Unpaid tribunals	3,904	...	1,087	480	664	348	98	23	16	528	276	384	64	68·37	56·72	
Paid sub-divisional tribunals	36,074	...	7,760	4,466	3,778	3,588	672	120	44	7,427	4,474	3,745	1,879	76·75	44·82	
Small Cause Courts	24,953	...	4,188	3,833	4,930	3,641	295	52	24	3,948	1,726	2,266	272	37·33	34·08	
District Courts other than Chief Courts of districts,	8,663	...	1,207	764	575	522	107	58	11	1,920	980	2,519	1,300	119·49	70·99	
Chief Courts of districts	192	...	10	3	3	1	...	3	...	42	32	98	64	313·11	84·52	
Total ...	73,786	...	14,252	9,596	9,950	8,100	1,172	256	95	13,865	7,488	9,012	3,079	72·67	43·52	
II.—Revenue (Rent) Courts.																
Unpaid local tribunals	633	...	87	21	46	119	10	...	...	267	67	16	...	94·32	27·78	
Paid sub-divisional tribunals	12,016	...	1,569	630	1,915	2,978	157	20	6	3,712	794	235	14	25·51	18·53	
Other subordinate Courts	18,174	...	2,161	672	1,252	3,052	412	41	1	5,831	2,520	2,232	30	35·15	23·40	
District Courts	23	...	1	...	3	1	2	...	...	10	4	2	...	26·92	1·0	
Total ...	30,846	...	3,818	1,323	3,216	6,150	581	61	7	9,820	3,385	2,485	44	31·82	21·14	
Superior Courts	5	...	...	...	...	...	...	...	...	5	...	...	...	150·40	...	
Grand Total ...	1,04,637	...	18,070	10,919	13,166	14,250	1,753	317	102	23,690	10,873	11,497	3,123	57·18	37·71	

IMPERIAL RETURN No. IX—(Civil and Rent).

Showing the general result of the trial of Civil and Revenue (Rent) cases in the Courts of Original Jurisdiction in the Province of Oudh in the year 1889.

Part II.—Miscellaneous Cases.

Class of Court.	Total number of suits before the Courts.	Number of cases disposed of—										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases.		Remarks.
		Transferred to other Courts.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—Civil Courts.																
Unpaid tribunals	247	...	65	12	15	3	10	...	...	77	25	40	11	41·57	49·02	
Paid sub-divisional tribunals	5,044	...	1,199	170	263	182	105	...	1	1,779	1,076	369	26	27·36	31·12	
Small Cause Courts	1,132	...	243	37	36	39	25	...	4	384	280	84	2	25·98	20·65	
District Courts other than Chief Courts of districts ...	2,200	...	315	107	36	86	57	...	...	731	514	254	20	45·53	26·12	
Chief Courts of districts	636	...	119	11	1	42	10	1	...	190	131	131	42	104·91	74·00	
Total ...	9,259	...	1,941	337	351	352	207	1	5	3,161	2,026	878	101	36·58	31·87	
II.—Revenue (Rent) Courts.																
Unpaid local tribunals	51	...	3	2	1	2	...	...	...	18	21	4	...	14·76	32·12	
Paid sub-divisional tribunals	3,708	...	500	454	81	1,501	25	...	...	833	213	101	6	16·59	21·40	
Other subordinate Courts	2,923	...	425	45	16	792	55	...	...	905	489	96	2	20·71	18·19	
District Courts	614	...	62	31	2	121	6	...	...	275	111	6	...	33·38	26·60	
Total ...	7,196	...	990	532	100	2,416	86	...	...	2,031	834	207	8	20·83	12·20	
Grand Total ...	16,455	...	2,931	869	451	2,768	293	1	5	5,192	2,860	1,085	109	30·99	33·90	

IMPERIAL RETURN No. X—(Civil and Rent).

Showing the business of the Civil and Revenue (Rent) Appellate Courts of the Province of Oudh in the year 1888.

PART I.—Appeals from Decrees.

Class of Court.	Total number of appeals before the Courts.	Transferred to Courts in other Provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard *ex parte*.				Contested.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 601, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Courts in the interior. Appeals from original decrees.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts.	1,783	...	3	86	23	4	6	4	833	101	234	161	328	137	87·81	20	
Chief Appellate Courts of districts	3,084	...	147	110	2	2	1	7	1,322	205	285	190	812	330	133·09	89	
Superior Appellate Courts other than Chief Courts of Province.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	4,867	...	150	196	25	6	7	11	2,156	306	519	351	1,140	467	115·91	109	
B.—Revenue (Rent) Courts.																	
Collectors' Appellate Courts	925	5	11	31	5	1	3	...	520	90	127	85	47	...	34·90	2	
Commissioners' Appellate Courts	1,986	3	7	56	30	1	12	2	806	112	232	152	573	247	89·09	19	
Total ...	2,911	8	18	87	35	2	15	2	1,326	202	359	237	620	247	69·69	21	
Courts at the Presidency or seat of Government.																	
Chief Court of Province. Appeals from original decrees ... Civil ...	103	...	1	...	...	...	...	...	20	6	6	...	70	54	317·00	3	
Chief Court of Province. Appeals from original decrees ... Rent ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of Province. Appeals from appellate decrees ... Civil ...	606	...	3	6	2	...	...	...	175	28	69	2	321	225	295·13	13	
Chief Court of Province. Appeals from appellate decrees ... Rent ...	528	...	67	18	14	...	2	...	161	2	64	3	177	131	231·19	5	
Total ...	1,237	...	71	24	16	...	2	...	376	36	139	5	568	410	262·66	21	
Grand Total ...	9,015	8	239	307	76	8	24	13	3,858	544	1,017	593	2,328	1,124	114·36	151	

IMPERIAL RETURN No. X—(Civil and Rent).

Showing the business of the Civil and Revenue (Rent) Appellate Courts of the Province of Oudh in the year 1888.

PART II.—Miscellaneous.

Class of Court.	Total number of appeals before the Courts.	Transferred to Courts in other Provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard *ex parte*.				Contested.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Courts in the interior. Appeals from original decrees.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts.	70	...	3	4	1	...	1	...	22	...	3	12	24	6	65·43	...	
Chief Appellate Courts of districts and superior Appellate Courts other than Chief Courts of Province.	394	...	86	22	2	1	9	...	116	3	47	28	80	18	79·64	1	
Total ...	464	...	89	26	3	1	10	...	138	3	50	40	104	24	77·83	1	
B.—Revenue (Rent) Courts.																	
Collectors' Appellate Courts	148	1	10	6	3	...	5	...	78	...	15	19	11	...	24·15	...	
Commissioners' Appellate Courts	67	...	8	2	6	...	3	...	22	1	10	6	9	7	44·82	...	
Total ...	215	1	18	8	9	...	8	...	100	1	25	25	20	7	30·33	...	
Courts at the Presidency or seat of Government.																	
Chief Court of Province. Appeals from original decrees Civil ...	33	...	2	3	...	...	2	...	32	2	8	...	34	24	229·97	...	
Chief Court of Province. Appeals from original decrees Rent ...	7	...	...	1	...	...	...	...	1	1	...	...	4	4	275·33	...	
Chief Court of Province. Appeals from appellate decrees Civil ...	49	...	...	1	1	...	...	...	11	...	4	1	31	20	213·84	1	
Chief Court of Province. Appeals from appellate decrees Rent ...	32	...	4	...	...	...	...	...	16	1	4	...	7	2	252·96	...	
Applications for revisions under section 622, Act XIV of 1882.	258	...	86	1	7	...	...	1	77	3	8	2	73	55	132·41	...	
Total ...	429	...	92	6	8	...	2	1	137	7	24	3	149	105	167·01	1	
Grand Total ...	1,108	1	199	40	20	1	20	1	375	11	99	68	273	136	96·76	2	

IMPERIAL RETURN No. XI—(Civil and Rent).

Showing the result of proceedings on application for the execution of the decrees of the Civil and Revenue (Rent) Courts in the Province of Oudh during the year 1888.

Class of Court.	Total number of applications for the execution of decrees before the Courts.	Applications disposed of—				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realized—		Number of applications—											Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested but released without imprisonment.	On which movable property— Was sold.	On which movable property— Was attached but subsequently released.	On which immovable property— Was sold.	On which immovable property— Was dealt with under section 305, 323 or 326, Act XIV. of 1882.	On which immovable property— Was attached but subsequently released under section 275.	On which possession was given— Of movables.	On which possession was given— Of immovables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.								Rs. a. p.	Rs. a. p.													
I.—Civil Courts.																						
Unpaid tribunals ...	1,097	...	407	147	406	137	44	9,469 15 9	670 5 6	4	3	85	372	2	...	1	7	15	...	...	89	
Paid sub-divisional tribunals...	19,600	...	6,895	2,704	7,534	2,467	868	2,46,345 14 0	7,464 5 8	51	102	1,458	3,700	335	19	433	43	1,859	15	16	3,335	
Small Cause Courts ...	11,969	...	3,167	2,229	5,806	767	42	1,18,792 5 6	19,177 1 6	68	81	800	1,633	2	...	2	1	...	...	...	3,419	
District Courts ...	6,944	...	2,157	953	2,534	1,300	396	4,63,666 6 0	29,737 3 6	21	26	510	1,032	285	11	281	11	703	20	5	801	
Chief Courts of districts ...	363	...	82	83	132	116	58	8,60,021 12 0	9,880 3 0	...	...	9	17	8	1	6	2	20	2	...	63	
Total ...	39,973	...	12,708	6,066	16,412	4,787	1,408	16,98,296 5 3	66,929 3 2	144	212	2,862	6,754	632	31	723	64	2,597	37	21	7,707	
II.—Revenue (Rent) Courts.																						
Unpaid local tribunals ...	264	...	142	37	64	21	6	4,357 9 6	214 3 0	1	1	39	74	2	...	...	...	...	...	...	65	
Other subordinate Courts ...	5,912	...	3,278	664	1,689	281	24	62,059 14 5	2,736 1 5	26	68	617	1,819	74	...	69	...	...	...	...	1,246	
District Courts ...	8,906	...	4,738	996	2,483	689	94	2,09,293 11 9	24,559 6 5	46	26	775	1,902	135	5	146	3	1,144	...	...	1,767	
Chief Courts of districts ...	63	...	47	3	11	2	...	2,789 3 8	1,468 14 9	...	...	3	43	...	...	1	...	1	...	...	1	
Total ...	15,145	...	8,205	1,700	4,247	993	124	2,78,500 7 4	28,978 9 7	73	95	1,434	3,838	211	5	216	3	1,145	...	...	3,079	
GRAND TOTAL ...	55,118	...	20,913	7,766	20,659	5,780	1,532	19,76,796 12 7	95,907 12 9	217	307	4,296	10,592	843	36	939	67	3,742	37	21	10,786	

IMPERIAL RETURN No. XII—(CIVIL).

Proceedings in Insolvency under Chapter XX. Act XIV. of 1882, *in the Districts of the Province of Oudh during the year* 1888, *showing the number and result of applications under section* 344, *and the number of Insolvents before the Courts.*

Class of Court.	Applications for declaration of insolvency.								Number of insolvents discharged during the year under section 385.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Amount of creditors' claims dealt with during the year.		Gross amount of insolvents' assets realized and disbursed.		Remarks.
	Total number of applications.	Transferred to another Province, withdrawn, &c.	Granted.		Rejected.			Pending at the close of the year.			Admitted.	Satisfied.	Realized during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 359 not being taken.	Sentence of imprisonment being passed under section 359.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Chief Courts of districts ...	53	1	2	6	35	...	...	9	1	2	4,559 2 9	48 9 0	51 8 0	51 8 0	

A.—*Showing original suits instituted, disposed of and pending in Civil Courts in the Province of Oudh in* 1888 *as compared with the figures for* 1887.

District.	Court.	Instituted.		Disposed of.		Pending.		Remarks.
		1887.	1888.	1887.	1888.	1887.	1888.	
1	2	3	4	5	6	7	8	9
Lucknow ...	Regular	2,335	1,848	2,438	1,762	365	531	The entries in column 4 show fresh institutions only and do not include cases received by transfer or on remand, review or revival during the year.
	Small Cause Court ...	366	1,225	247	1,182	122	191	
Unao ...	Regular	2,907	4,477	2,998	4,585	252	201	
	Small Cause Court ...	2,525	770	2,584	862	142	33	
Bara Banki ...	Regular	1,888	2,296	1,958	2,130	140	348	
	Small Cause Court ...	1,054	789	1,021	831	51	13	
Sitapur ...	Regular	5,319	5,090	5,519	5,480	565	303	
	Small Cause Court ...	72	82	86	88	9	5	
Hardoi ...	Regular	3,181	2,555	3,152	2,781	388	244	
	Small Cause Court ...	1,408	1,806	1,346	1,920	181	80	
Kheri ...	Regular	2,825	2,140	2,519	2,698	757	268	
	Small Cause Court ...	396	1,037	403	893	...	103	
Fyzabad ...	Regular	3,208	4,133	3,124	3,911	611	960	
	Small Cause Court ...	2,138	1,480	2,135	1,442	87	149	
Bahraich ...	Regular	2,716	3,916	2,982	3,650	519	348	
	Small Cause Court ...	3,736	2,300	3,173	2,660	768	109	
Gonda ...	Regular	6,852	4,935	5,877	5,887	2,001	1,254	
	Small Cause Court ...	254	2,209	569	1,449	81	802	
Rae Bareli ...	Regular	3,365	3,589	3,394	3,649	504	540	
	Small Cause Court ...	...	...	...	...	...	...	
Sultánpur ...	Regular	3,442	2,483	3,452	2,891	571	151	
	Small Cause Court ...	860	1,771	868	1,866	45	30	
Partábgarh ...	Regular	4,625	2,055	4,186	2,055	1,999	507	
	Small Cause Court ...	...	2,806	...	2,481	...	423	
	Total ...	55,472	55,793	53,976	57,607	9,158	8,694	

B.—*Showing the work done by District Judges in* 1888 *in the Province of Oudh.*

District.	Original suits.	Miscellaneous.		Appeals.		Sessions trials.	Criminal appeals.	Criminal applications for revision.	Remarks.
		Applications for execution of decrees.	Judicial.	Regular.	Miscellaneous.				
Lucknow	29	138	132	416	60	...	...	...	
Sitapur	21	42	93	634	59	...	...	...	
Fyzabad	27	45	133	593	122	...	...	...	
Rae Bareli	15	27	147	629	44	...	...	...	
Total ...	92	252	505	2,272	314	...	...	...	

C.—*Showing the work done by Subordinate Judges in* 1888 *in the Districts of the Province of Oudh.*

District.	Jurisdiction.	Suits.				Miscellaneous cases.		Appeals.	
		Withdrawn, &c.	Decided ex parte.	Contested.	Total.	Applications for execution of decree.	Judicial.	Regular.	Miscellaneous.
Lucknow ...	Regular	62	18	92	172	507	197	99	4
	Small Cause Court	...	...	...	...	...	...	...	...
Unao ...	Regular	59	17	205	281	305	187	176	6
	Small Cause Court	342	57	145	544	270	...	...	...
Bara Banki ...	Regular	64	19	202	285	394	221	121	5
	Small Cause Court	283	74	144	501	311	...	...	...
Sítapur ...	Regular	364	75	283	722	479	191	...	...
	Small Cause Court	45	23	20	88	62	4	...	...
Hardoi ...	Regular	96	21	310	429	404	139	...	...
	Small Cause Court	727	107	356	1,280	770	93	...	...
Kheri ...	Regular	336	46	173	555	361	151	...	...
	Small Cause Court	602	95	196	893	264	39	...	...
Fyzabad ...	Regular	463	74	352	889	803	182	90	8
	Small Cause Court	610	136	234	980	527	84	...	...
Bahraich ...	Regular	556	78	235	869	342	108	81	1
	Small Cause Court	1,024	124	344	1,492	949	197	...	...
Gonda ...	Regular	64	14	135	213	259	93	457	15
	Small Cause Court	185	24	72	281	68	18	...	...
Rae Bareli ...	Regular	227	68	370	660	524	117	154	...
	Small Cause Court	...	...	...	...	...	...	...	...
Sultánpur ...	Regular	111	15	315	441	374	170	211	4
	Small Cause Court	414	131	365	910	477	50	...	...
Partábgarh ...	Regular	318	82	228	628	1,022	240	60	3
	Small Cause Court	1,494	287	256	2,037	428	70	...	...
	Total ...	8,448	1,070	5,032	15,150	9,915	2,501	1,455	46

D.—*Showing the work done by Munsifs in* 1888 *in the Districts of the Province of Oudh.*

District.	Munsif.	Jurisdiction.	Suits.				Miscellaneous.	
			Withdrawn, compromised, confessed, &c.	Decided *ex parte*.	Contested.	Total.	Applications for execution of decrees.	Judicial.
Lucknow ...	Munsif North ...	Regular ...	320	75	233	628	523	20
		Small Cause Court ...	507	97	102	706	234	13
	Munsif South ...	Regular ...	375	121	411	907	847	261
		Small Cause Court ...	290	72	114	476	235	25
		Total ...	1,492	365	860	2,717	1,839	319
Unao ...	Unao ...	Regular ...	858	106	436	1,400	604	227
		Small Cause Court ...	227	29	62	318	126	...
	Purwa ...	Regular ...	817	175	292	1,284	675	104
		Small Cause Court ...	...	...	...	...	...	...
	Safipur ...	Regular ...	798	118	494	1,410	707	212
		Small Cause Court ...	...	...	...	...	...	...
		Total ...	2,700	428	1,284	4,412	2,202	033
Bara Banki ...	Ramsanehighát ...	Regular ...	510	65	194	769	513	93
		Small Cause Court ...	224	23	83	330	58	6
	Fatehpur ...	Regular ...	428	97	550	1,075	576	128
		Small Cause Court ...	...	...	...	...	...	...
		Total ...	1,162	185	827	2,174	1,147	227
Sítapur ...	Sítapur	Regular ...	1,134	301	570	2,005	851	194
	Biswan	Ditto ...	1,236	312	884	2,432	934	275
		Total ...	2,370	613	1,454	4,437	1,785	469
Hardoi ...	Shahabad	Regular ...	304	94	231	629	577	162
		Small Cause Court ...	445	68	133	646	45	10
	Bilgram	Regular ...	557	138	467	1,162	689	180
		Total ...	1,306	300	831	2,437	1,311	352
Khori ...	Muhamdi	Regular ...	702	64	414	1,180	441	124
Fyzabad ...	Fyzabad	Regular ...	933	107	761	1,801	1,066	203
		Small Cause Court ...	313	48	101	462	16	7
	Akbarpur	Regular ...	575	181	438	1,194	520	184
		Small Cause Court ...	...	...	...	...	...	...
		Total ...	1,821	336	1,300	3,457	1,602	344
Gonda ...	Gonda	Regular ...	749	192	424	1,365	837	239
		Small Cause Court ...	358	118	197	673	25	32
	Additional Gonda ...	Regular ...	870	180	440	1,490	488	157
		Small Cause Court ...	343	51	101	495	100	20
	Utraula	Regular ...	761	168	506	1,435	640	197
	Tarabganj	Ditto ...	673	155	556	1,384	623	152
		Total ...	3,754	864	2,224	6,842	2,713	797
Bahraich ...	Kaisarganj	Regular ...	947	175	483	1,605	1,143	242
		Small Cause Court ...	704	117	247	1,068	75	34
		Total ...	1,651	292	730	2,673	1,218	276
Rae Bareli ...	Rae Bareli ...	Regular ...	634	161	530	1,325	634	183
	Dalmau	Ditto ...	748	229	395	1,372	781	212
		Total ...	1,382	390	925	2,697	1,365	395
Sultánpur ...	Sultánpur	Regular ...	287	53	801	1,141	972	306
		Small Cause Court ...	459	113	384	956	166	37
	Mumfirkhána ...	Regular ...	658	66	585	1,309	554	99
		Total ...	1,404	232	1,770	3,406	1,692	442
Partábgarh ...	Partábgarh	Regular ...	457	154	408	1,019	745	164
		Small Cause Court ...	256	77	111	444	40	6
	Kunda	Regular ...	509	101	398	1,008	594	136
		Total ...	1,322	382	917	2,471	1,379	306
		Grand Total ...	20,906	4,401	18,536	88,903	18,694	4,084

E.—*Showing the work done by Courts of Small Causes in* 1888 *in the Districts of the Province of Oudh.*

District.	Court.	Jurisdiction.	Suits.				Miscellaneous cases.		Appeals.	
			Withdrawn, compromised, confessed, &c.	Decided *ex parte*.	Contested.	Total.	Applications for execution of decrees.	Judicial.	Regular.	Miscellaneous.
Lucknow City ...	City Small Cause Court,	S. C.	3,316	1,620	1,766	6,702	6,408	1,857	...	...
Lucknow ...	Lucknow Cantonment,	S. C. & C. M.	180	54	86	320	172	53	...	...
Fyzabad ...	Fyzabad ditto ...	S. C. & C. M.	24	6	47	77	29	4	...	...
	Total ...		3,520	1,680	1,899	7,099	6,609	1,914	...	...

G.—*Showing Court-fees (other than Process-fees) realized in the Civil Courts in the Province of Oudh during the year* 1888.

District.	Ad *valorem* fees.			Fixed fees.		Gross fees realized.	Refunds under sections 10, 13, 14 and 15, Act VII of 1870, and under Notification No. 2768, dated 30th April 1876, and under Rule 58 or C. S. 12 of 1882.	Net fees realized.	Remarks.
	On plaints, memoranda of appeal and applications for review of judgment.	On copies and translations.	On certificates, probates and letters of administration.	On plaints and memoranda of appeal.	On other documents.				
1	2	3	4	5	6	7	8	9	10
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	76,637 8 0	1,018 0 0	2,082 0 0	4,256 1 0	6,348 13 0	90,342 6 0	1,187 10 0	89,154 12 0	
Unao	29,745 4 8	1,058 6 0	595 0 0	355 0 0	4,203 3 0	35,956 13 8	158 0 0	35,798 13 8	
Bara Banki	28,667 5 0	445 5 0	100 0 0	455 0 0	1,645 5 0	31,312 15 0	...	31,312 15 0	
Sítapur	32,834 4 0	562 4 0	411 0 0	465 0 0	3,503 14 0	37,776 6 0	382 10 0	37,393 12 0	
Hardoi	25,766 0 0	1,129 4 0	...	205 0 0	2,642 1 0	29,742 5 0	...	29,742 5 0	
Kheri	10,903 14 0	113 13 6	...	55 0 0	2,006 5 0	13,079 0 6	...	13,079 0 0	
Fyzabad	50,432 7 0	2,987 12 0	1,360 6 0	965 0 0	4,386 3 0	60,631 14 0	1,209 6 0	59,422 8 0	
Bahraich	20,688 10 0	500 7 0	...	265 0 0	1,075 11 0	22,529 12 0	1 14 0	22,527 14 0	
Gonda	26,902 0 0	1,397 8 0	...	1,090 0 0	2,780 12 0	32,170 4 0	135 2 0	32,035 2 0	
Rae Bareli	34,982 2 0	1,981 0 0	2,771 0 0	290 8 0	4,999 11 0	45,024 5 0	288 10 0	44,735 11 0	
Sultánpur	19,910 5 0	633 9 0	...	473 0 0	3,115 1 0	24,131 15 0	146 10 0	23,985 5 0	
Partábgarh	21,946 0 0	823 13 0	...	165 0 0	2,911 2 0	25,845 15 0	35 4 0	25,810 11 0	
Total ...	3,79,415 11 8	12,651 1 0	7,819 8 0	9,039 9 0	39,618 7 0	4,48,543 14 8	3,545 2 0	4,44,998 12 8	
High Court of the Province of Oudh.	31,062 10 0	15 0 0	...	5,405 1 0	...	36,482 11 0	...	36,482 11 0	
GRAND TOTAL ...	4,10,478 5 8	12,666 1 0	7,819 8 0	14,444 10 0	39,618 1 0	4,85,026 9 8	3,545 2 0	4,81,481 7 8	

H.—*Showing the Income and Expenditure of the Civil Courts in the Province of Oudh during the year* 1888.

District.	Income.						Expenditure.						Surplus.	Deficit.
	Net value of stamps exclusive of those used to denote process-fees.	Duty and penalties on instruments not duly stamped.	Fines.	Process-fees. Fees for employment of Amins.	Process-fees. Other fees.	Judicial record fund.	Sale-proceeds of unclaimed property of intestates (Regulation 5 of 1799).	Total.	Salaries of officers presiding over Civil Courts and of their establishments, the full salaries of the Judges and establishments of High Courts, and half salaries of District and Sessions Judges and their subordinates who are employed on criminal as well as the civil side being entered.	Process-serving establishment. (a) Control nâzir, nâzirs, bailiffs, and nâzirat office chaprasis.	Process-serving establishment. (b) Process-serving peons.	Amin establishment.	Judicial record fund.	Total.		
1	2	3	4	5	6	7	8	9	10	11		12	13	14	15	16
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Lucknow ...	89,154 12 0	127 7 0	27 0 0	...	14,891 14 0	5,897 12 6	...	1,10,098 13 6	69,514 1 5	3,918 0 0	6,930 12 4	...	3,480 7 0	83,908 5 8	26,195 7 10	...
Unao ...	35,798 13 8	273 8 0	52 0 0	...	9,408 8 0	3,559 13 0	...	49,092 10 8	24,503 1 0	1,134 12 0	4,534 9 0	...	1,450 4 6	31,622 10 6	17,470 0 2	...
Bara Banki ...	31,312 15 0	456 12 0	24 0 0	...	6,656 12 0	2,973 0 0	...	41,423 7 0	16,108 7 6	914 0 0	2,983 8 7	...	1,283 6 10	21,289 6 11	20,134 0 1	...
Sîtapur ...	37,393 12 0	48 8 0	23 0 0	...	7,064 4 0	3,134 6 0	...	47,663 14 0	40,644 10 8	1,053 7 11	3,239 0 1	...	1,528 2 9	46,465 5 5	1,198 8 7	...
Hardoi ...	29,742 5 0	235 10 0	13 8 0	...	8,043 9 0	3,227 8 0	...	41,262 8 0	19,583 13 10	1,019 14 0	3,783 12 11	...	1,287 1 11	25,674 10 8	15,587 13 4	...
Kheri ...	13,079 0 0	57 8 0	9 4 0	...	4,191 7 0	1,045 8 0	...	18,382 11 0	10,545 4 10	843 11 10	2,012 10 4	...	563 9 3	13,965 4 3	4,417 6 9	...
Fyzabad ...	59,422 8 0	238 5 0	9 0 0	...	6,578 4 0	4,919 14 0	...	73,167 15 0	34,666 9 9	1,080 0 0	4,499 10 8	...	2,250 6 8	42,496 13 1	30,671 1 11	...
Bahraich ...	22,527 14 0	191 10 0	2 0 0	...	7,845 10 0	1,577 7 0	...	32,144 9 0	11,783 4 7	778 8 2	3,170 5 4	...	846 3 8	16,578 5 9	15,566 3 3	...
Gonda ...	32,035 2 0	364 14 0	66 5 0	...	10,358 0 0	2,808 12 0	...	45,633 1 0	24,138 3 8	1,140 0 0	4,637 6 6	...	1,156 15 0	31,072 9 2	14,560 7 10	...
Rae Bareli ...	44,735 11 0	234 7 0	33 0 0	...	6,851 6 0	4,229 12 0	...	56,084 4 0	31,827 7 6	1,003 12 0	3,222 3 1	...	2,045 8 0	38,098 14 7	17,985 5 5	...
Sultânpur ...	23,985 5 0	1,017 2 0	0 12 0	...	7,432 8 0	2,406 6 0	...	34,842 1 0	20,470 11 3	900 0 0	2,991 3 4	...	929 12 14	25,291 11 5	9,550 5 7	...
Partâbgarh ...	25,810 11 0	271 0 0	31 0 0	...	7,855 6 0	1,282 4 0	...	35,248 5 0	17,682 6 10	897 11 10	3,091 8 11	...	746 15 0	22,418 10 0	12,829 11 0	...
Total ...	4,44,998 12 8	3,516 11 0	290 13 0	...	99,175 8 0	37,062 6 6	...	5,85,044 3 2	3,21,468 2 10	14,683 13 9	45,156 11 1	...	17,568 15 9	3,98,877 11 5	1,86,166 7 9	...
High Court of Province of Oudh.	36,482 11 0	...	...	...	1,809 0 0	1,771 10 0	...	40,063 5 0	63,140 13 2	215 4 8	...	...	1,594 8 6	64,950 10 4	...	24,887 5 4
GRAND TOTAL	4,81,481 7 8	3,516 11 0	290 13 0	...	1,00,984 8 0	38,834 0 6	...	6,25,107 8 2	3,84,609 0 0	14,899 2 5	45,156 11 1	...	19,163 8 3	4,63,828 5 9	1,86,166 7 9	24,887 5 4

PROVINCIAL RETURN No. XV—(Civil and Rent).

Showing the detention of witnesses before Civil and Rent Courts in suits, miscellaneous cases, and in cases of execution of decree in the Courts of the Districts of the Province of Oudh for the year 1888.

Court.	Discharged after being in attendance—											Remarks.
	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 days.	16 to 22 days.	Total.	
Civil Courts.												
Lucknow	13,556	422	109	27	...	...	...	...	...	...	14,114	
Sitapur	10,968	338	68	5	...	8	...	...	...	...	11,387	
Fyzabad	15,890	402	27	1	...	...	...	...	...	...	16,321	
Rae Bareli	14,626	355	137	69	12	34	1	...	...	...	15,434	
Total ...	55,240	1,518	341	102	12	42	1	...	...	...	57,256	
Small Cause Courts.												
Lucknow City Small Cause Court.	2,756	81	...	...	...	...	...	...	...	...	2,837	
Lucknow Cantonment Small Cause Court.	100	...	...	...	...	...	...	...	...	...	100	
Fyzabad Cantonment Small Cause Court.	62	...	...	...	...	...	...	...	...	...	62	
Total ...	2,918	81	...	...	...	...	...	...	...	...	2,999	
Rent Courts.												
Lucknow	1,204	15	1	...	...	...	...	...	...	...	1,220	
Unao	2,234	18	...	...	...	...	...	...	...	...	2,252	
Bara Banki	1,023	51	3	2	...	...	...	...	...	...	1,079	
Sitapur	571	...	...	...	...	...	...	...	...	...	571	
Hardoi	1,750	29	13	...	...	...	...	...	...	...	1,792	
Khori	588	116	1	...	...	...	...	...	...	...	705	
Fyzabad	1,743	3	2	...	...	...	...	...	...	...	1,748	
Bahraich	970	12	...	...	...	...	...	...	...	...	982	
Gonda	1,590	...	...	...	...	...	...	...	...	...	1,590	
Rae Bareli	1,020	31	2	...	...	...	...	...	...	...	1,053	
Sultánpur	1,599	9	3	1	1	4	2	1	...	1	1,621	
Partábgarh	1,164	15	4	...	2	...	...	...	...	...	1,185	
Total ...	15,456	299	29	3	3	4	2	1	...	1	15,799	

PROVINCIAL RETURN No. XVI—(Civil and Rent).

Showing the Receipts and Disbursements on account of processes in the Courts of the Province of Oudh during the year 1888.

District.	Number of servers employed.	Aggregate number of processes served.	Average number per server.	Receipts.				Disbursements.					Remarks.
				Balance from last year.	Value of fees received within the year.	Remittances from other Provinces.	Total.	Pay of supervising establishment including nazírat and bailiff.	Pay of peons.	Pension fund 12 per cent.	Contingencies and refunds.	Total.	Surplus or deficit.	
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Civil.														
District Judge, Lucknow	158	70,680	447·37	...	24,353 8 0	0 12 0	24,354 4 0	3,848 12 0	11,245 15 1	1,811 5 8	506 3 6	17,412 4 3	+ 6,941 15 9	
Ditto, Sitapur	126	58,803	466·64	...	19,263 8 0	35 12 0	19,299 4 0	2,917 1 9	9,035 7 4	1,084 4 0	469 8 5	13,506 5 6	+ 5,792 14 6	
Ditto, Fyzabad ...	160	82,741	517·13	...	26,693 6 0	1 0 0	26,694 6 0	2,998 8 2	11,415 0 1	1,729 9 10	487 6 6	16,630 8 7	+ 10,063 13 5	
Ditto, Rae Bareli	131	66,850	602·25	...	22,136 8 0	0 12 0	22,137 4 0	2,801 7 10	9,304 15 4	1,407 9 3	286 15 4	13,800 15 9	+ 8,336 4 3	
Total ...	575	2,79,080	485·35	...	92,446 14 0	38 4 0	92,485 2 0	12,565 13 9	41,001 5 10	6,032 12 9	1,750 1 9	61,350 2 1	+ 31,134 15 11	
Small Cause Court, City Lucknow ...	44	24,190	549·77	...	6,339 4 0	...	6,339 4 0	1,254 0 0	3,142 14 10	527 10 1	45 0 0	4,969 8 11	+ 1,369 11 1	
Ditto, Cantonment Lucknow...	2	995	497·55	...	264 0 0	...	264 0 0	144 0 0	120 0 0	31 10 10	...	295 10 10	− 31 10 10	
Ditto, ditto Fyzabad ...	1	295	295·	...	43 12 0	...	43 12 0	...	65 6 0	7 13 6	7 1 0	80 4 6	− 36 8 6	
Total ...	47	25,480	542·12	...	6,647 0 0	...	6,647 0 0	1,398 0 0	3,328 4 10	567 2 5	52 1 0	5,345 8 3	+ 1,301 7 9	
Rent.														
Deputy Commissioner, Lucknow ...	24	9,229	384·	...	5,382 7 0	...	5,382 7 0	1,683 11 0	1,741 4 11	411 0 0	211 5 6	4,047 5 5	+ 1,335 1 7	
Ditto, Unao ...	28	17,229	615·	...	4,750 10 0	...	4,750 10 0	1,416 0 0	2,057 6 8	416 11 0	65 0 0	3,955 1 8	+ 795 8 4	
Ditto, Bara Banki ...	20	10,811	540·	...	3,034 6 0	...	3,034 6 0	1,176 0 0	1,485 4 11	319 5 9	...	2,980 10 8	+ 53 11 4	
Ditto, Sitapur ...	12	3,199	267·	...	1,857 6 0	...	1,857 6 0	1,356 0 0	866 8 0	266 11 2	67 12 0	2,556 15 2	− 699 9 2	
Ditto, Hardoi ...	27	11,960	442·96	...	3,282 0 0	...	3,282 0 0	1,416 0 0	1,819 15 7	388 5 1	...	3,624 4 8	− 342 4 8	
Ditto, Kheri ...	11	4,196	364·86	...	2,157 6 0	...	2,157 6 0	480 0 0	814 9 1	155 5 5	5[illegible] 0 0	1,454 14 6	+ 702 7 6	
Ditto, Fyzabad ...	41	29,473	718·85	...	6,299 10 0	...	6,299 10 0	1,596 0 0	2,928 7 10	542 15 0	15 10 0	5,083 0 10	+ 1,216 9 2	
Ditto, Bahraich ...	15	8,426	561·	...	2,701 3 0	...	2,701 3 0	1,032 0 0	1,046 3 7	249 6 2	...	2,327 9 9	+ 373 9 3	
Ditto, Gonda ...	46	19,920	433·04	...	5,176 12 0	...	5,176 12 0	852 0 0	3,255 13 6	492 14 11	200 0 0	4,800 12 5	+ 375 15 7	
Ditto, Rae Bareli ...	18	7,849	436·55	...	3,398 4 0	...	3,398 4 0	876 0 0	1,306 1 8	261 13 8	90 0 0	2,533 15 4	+ 864 4 8	
Ditto, Sultánpur ...	42	21,070	501·	...	5,124 0 0	8 12 0	5,132 12 0	576 0 0	3,053 1 8	435 6 6	188 7 0	4,252 15 2	+ 879 12 10	
Ditto, Partábgarh ...	30	15,004	500·13	...	3,939 7 0	7 4 0	3,946 11 0	552 0 0	2,102 1 11	318 8 0	...	2,972 9 11	+ 974 1 1	
Total ...	314	58,366	185·87	...	47,103 7 0	16 0 0	47,119 7 0	13,011 11 0	22,476 15 4	4,258 6 8	843 2 6	40,590 3 6	+ 6,529 3 6	

PROVINCIAL RETURN No. XVIII—(Civil and Rent).

Showing Receipts and Disbursements on account of Sale Commission Fund in the Districts of the Province of Oudh during the year 1868.

	Receipts.	Disbursements.			Balance.	Payable to názirs, &c., under para. 15, Circular No. 24 of 1872.	Remarks.
	Value of fees received within the year.	Pay of peons.	Contingencies.	Total.			
Civil.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	3,707 6 10	490 5 3	...	490 5 3	3,217 1 7	804 4 3	
Sítapur	1,580 1 2	303 9 4	8 12 0	312 5 4	1,267 11 10	316 14 10	
Fyzabad	2,501 9 1	475 9 6	3 12 0	479 5 6	2,022 3 7	505 9 9	
Rae Bareli	1,575 7 3	500 7 9	...	500 7 9	1,074 15 6	268 11 11	
Total ...	9,364 8 4	1,769 15 10	12 8 0	1,782 7 10	7,582 0 6	1,895 7 9	
Small Cause Courts.							
Lucknow City Small Cause Court	288 9 9	144 0 0	...	144 0 0	144 9 9	36 2 5	
Ditto Cantonment Small Cause Court	14 6 7	...	...	...	14 6 7	3 9 7	
Fyzabad Small Cause Court	84 14 9	...	...	...	84 14 9	21 3 6	
Total ...	387 15 1	144 0 0	...	144 0 0	243 15 1	60 15 8	
Rent.							
Lucknow	207 13 0	...	...	...	207 13 0	51 15 3	
Unao	409 14 8	...	...	...	409 14 8	102 7 7	
Bara Banki	121 11 3	...	...	...	121 11 3	30 6 10	
Sítapur	121 8 4	72 0 0	...	72 0 0	49 8 4	12 6 1	
Hardoi	511 13 0	...	...	...	511 13 0	127 15 3	
Kheri	129 14 0	...	...	...	129 14 0	32 7 6	
Fyzabad	853 8 11	288 0 0	...	288 0 0	565 8 11	141 0 2	
Bahraich	347 14 11	...	...	...	347 14 11	86 15 8	
Gonda	537 4 5	...	...	...	537 4 5	134 5 1	
Rae Bareli	343 12 9	...	...	...	343 12 9	85 15 2	
Sultánpur	318 10 3	177 6 8	...	177 6 8	141 3 7	35 4 10	
Partábgarh	276 4 3	72 0 0	...	72 0 0	204 4 3	51 1 0	
Total ...	4,180 1 9	609 6 8	...	609 6 8	3,570 11 1	892 10 5	

ORDERS OF GOVERNMENT.

No. $\frac{760}{\text{VII—239B}}$ OF 1889.

FROM

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH,

TO

THE JUDICIAL COMMISSIONER OF OUDH.

DATED NAINI TAL, THE 16TH OCTOBER, 1889.

SIR,

JUDICIAL DEPT. (CIVIL).

I AM directed to acknowledge the receipt of your No. 1287, dated 23rd August, 1889, submitting your report, together with the prescribed returns, relating to the administration of Civil Justice in Oudh for the calendar year 1888, which, however, was not received from the Press till the 30th September. The report was due on the 15th May, 1889, and you represent that, although special assistance was given to your office for the purpose of compiling these returns, the delay has been unavoidable. Greater punctuality in the submission of the report is essential, and I am to request that you will make the necessary arrangements in future to ensure its reaching Government on the appointed date.

2. Compared with the previous year, it is noticed that there was a decrease in the number of ordinary civil suits instituted, but an increase in Small Cause Court litigation. The figures are—

	1887.	1888.
Ordinary suits	42,667	39,535
Small Cause Court suits	20,071	23,358
Total ...	62,738	62,893

An increase in the value of the suits which were filed took place, but seems to have been entirely due to the institution of a suit in Gonda, valued at 28 lakhs of rupees, without which a decrease would have been apparent. The average value of each suit was Rs. 161 against Rs. 150 in 1887. The similar figures for the North-Western Provinces were Rs. 255 and Rs. 225. In Oudh, 77· per cent. of the suits were for amounts below Rs. 50; in the North-Western Provinces the similar percentage was only 53·. One suit for every 181 persons of the population was instituted in Oudh against one for every 337 in the North-Western Provinces.

3. In ordinary Civil Courts, the decrease which took place of 3,132 suits is not to be wondered at, for during the two former years the increase had been nearly 25 per cent. The main decrease was under the heads in which there had formerly been an increase—suits relating to contracts. Suits on account stated and for money, &c., alone showed an increase; which, however, was slight. The restoration of the powers of an Honorary Assistant Commissioner to the Rája of Nánpára accounted for the increase in work done by that class of Courts, while the decrease shown against Subordinate Judges and Munsifs was due to

the larger institutions on the Small Cause Court side of their Courts. The work in District Judges' Courts seems to be steadily increasing. As regards the mode of disposal the chief difference between the two years seems to have been that more suits were compromised, and more were decided after contest in favour of the defendant. There was a considerable decrease in the number withdrawn with leave. Contested suits were in number as follows :—

	1887.	1888.
Decided by Subordinate Judges ...	5,739	5,032
Ditto Munsifs ...	12,458	13,536

The following officers decided the largest number of contested suits in the exercise of regular jurisdiction :—

Subordinate Judges.			*Munsifs.*		
Rae Bareli	...	370	Biswan	...	884
Fyzabad	...	352	Sultanpur	...	801
Sultanpur	...	315	Fyzabad	...	761

while several of them disposed also of a large number of cases in the exercise of Small Cause Court jurisdiction.

The state of the pending files was more satisfactory than at the close of 1887, while the percentage of suits dismissed for default was only 18 ; from which you infer that, as a general rule, due consideration is shown to suitors by the Courts. The heaviest pending files are said to have been in the Courts of the Subordinate Judge of Bahraich, and of the Munsifs of Gonda and Fyzabad; but figures have not been given, and should be furnished. It is noticed with regret that although there was less work for disposal, the figures quoted in paragraphs 15 and 18 of your report show that the average duration of cases, both contested and uncontested, was considerably higher in 1888 than in 1887, and in the following Courts was abnormal :—

		Contested suits. Days.
District Judge ...	Rae Bareli	436
	Fyzabad	354
Subordinate Judge ...	Gonda	301
	Partabgarh	250
Munsif ...	Lucknow	143
	Gonda	126

Every effort should be made to reduce these figures; and it should be possible, especially in the Courts abovementioned, by greater method in the disposal of business, to effect a material reduction. It is also observed that the number of adjournments in the Courts named in paragraph 16 of the report was excessive. In the matter of duration in contested suits, the Oudh Courts contrast unfavourably with those for the North-Western Provinces, as is apparent from the following figures :—

	Oudh. Days.	*N.-W. P.* Days.
Unpaid tribunals	68	23
Munsifs	76	60
Subordinate Judges	119	100
District Judges	313	136

4. The number of appeals for disposal was slightly in excess of that of the preceding year, and yet fewer appeals remained pending, which is satisfactory. The percentage of decisions affirmed was 57·8 against 58·4 for 1887. The similar percentage for the North-Western Provinces was in both years 60·. The Subordinate Judge of Gonda disposed of a large number of appeals (457) in addition to his other work; but a large number remained pending in his Court, and the duration was high. Of District Judges, the Judge of Lucknow disposed of the smallest number, and showed the highest duration (180 days). The general average duration of appeals was almost the same in both Provinces, and was in Oudh, 116 days, in the North-Western Provinces, 117 days: of those pending (1,140), 467 were of more than three months' standing.

5. The increase in the civil appellate work of your Court was considerable. The figures are—

		First appeals.	*Second appeals.*
For disposal	1887	70	519
	1888	103	606
Pending	1887	33	244
	1888	70	321

The duration also increased from 204 and 200 days to 317 and 295 days respectively in either class of appeal. The result in appeals decided was not so satisfactory as during 1887, or as in the North-Western Provinces: only 63· per cent. of the Lower Court's decisions having been confirmed, and the similar percentages for 1887 and the North-Western Provinces being respectively 68· and 75·. These results would have been more clearly exhibited had the percentages in paragraph 23 been struck, as in paragraph 19, on the total number of cases disposed of, instead of on the whole number for disposal, of which a large number remained pending. Of those pending 279 were of more than three months' standing against 171 at the close of 1887. Application has been made by this Government for the temporary services of an Additional Judicial Commissioner to assist in disposing of the arrears which have accumulated in your Court.

6. In addition to the above, the Judicial Commissioner decided 67 miscellaneous civil appeals and 185 applications for revision under section 622, Civil Procedure Code, against 108 and 139 respectively in 1887. In both classes of cases the pending file and the average duration exhibit an increase :— .

	Pending.		*Over three months.*		*Duration in days.*	
	1887.	1888.	1887.	1888.	1887.	1888.
First appeals ...	23	34	19	24	140	229
Second appeals ...	7	31	4	20	179	213
Revision cases ...	49	73	28	55	107	132

These results are not satisfactory. A similar result as regards the duration in miscellaneous appeals in the Courts of District Judges and Subordinate Judges is noticeable. The average duration rose from 36 days in 1886 to 79 days in 1888, and 104 cases remained pending against 31 at the end of 1886.

7. There were 28,004 applications for execution of decrees for disposal. Of these 23,984 were disposed of, of which 10,606, or 44 per cent., were wholly infructuous. The result compares favourably with that for the North-Western Provinces, where only 34 per cent. were fructuous wholly or in part. It is observed with satisfaction that although there was a considerable increase in the number of witnesses examined, over 96 per cent. were detained for only one day. The weeding of records seems to have progressed considerably, except in Gonda, where supervision was lax; but the arrears in the Lucknow Judgeship would seem to require the Judge's immediate attention. The surplus from process fees was larger than at the close of 1887, but the balance of the Sale Commission Fund was smaller.

8, There were 23,358 Small Cause Court suits before the Courts, the institutions in the ordinary Civil Courts on the Small Cause Court side having risen from 12,809 to 16,275 : the increase under the head of "contracts" more than counterbalances the falling off under that head in the ordinary Courts referred to above in paragraph 3. There were more Subordinate Judicial Officers exercising jurisdiction in such cases than in the previous year. More suits seem to have been compromised or decreed on confession; but the average duration rose slightly, and more suits remained pending. In execution of decrees of Small Cause Courts, which were also more in number, the amounts realised increased, but a considerably larger percentage of decrees were wholly infructuous.

9. Rent litigation shows an increase of 1,048 suits. The increase is chiefly noticeable in Hardoi and Bara Banki, and in a less degree in Fyzabad; while in Sitapur, there was a decrease. These changes are said chiefly to have taken place in suits for arrears of rent, though in Fyzabad the increase is also said to have been due to a larger number of notices of ejectment having being contested, and there seems to be now generally more knowledge of the way in which such suits can be prosecuted or defended. It is satisfactory to find that you consider that dismissals in default and *ex-parte* decree were nowhere due to any cause other than the indifference of the parties concerned. In contested cases plaintiffs seem to have been successful in about three out of every four suits. The general practice of the tenants in the Mahdona estate, alluded to by the Deputy Commissioner of Fyzabad, of never paying their rents without suit seems peculiar, and the attention of the Commissioner of the Division should be called to it with a view to his endeavouring to ascertain its cause, and remedying if possible the existing practice, which seems to indicate unsatisfactory relations between landlord and tenant.

10. The increase in miscellaneous cases under the Rent Act was considerable, and may be partly due, as attributed by the Deputy Commissioner of Hardoi, to the readier resort now had by landlords to distraint procedure with a view to the more prompt realisation of their rents. The remarks of the Deputy Commissioner of Rae Bareli, quoted in paragraph 55 of your report, seem to show that, in his opinion, the

effect of sections 23 and 24 of the Rent Act has been to check, for a time at least, tenants from making improvements in that district. The time, however, has not yet come when this can be confidently stated: The average duration in rent courts both in suits and miscellaneous cases was lower in 1888 than in the previous year.

11. There were slightly fewer rent appeals for decision: 62 per cent. of the decisions of the Lower Courts were confirmed, and the average duration of appeals fell in Commissioners' Courts from 150 to 89 days, and in Deputy Commissioners' Courts from 49 to 34 days. Appellate work continued to be heavy in the Court of the Commissioner of Fyzabad: 369 appeals remained pending in his Court; and though the duration has been materially reduced, it was still excessive (147 days). Altogether 247 appeals of more than three months' standing remained pending, at the close of the year, in Commissioners' Courts. Recourse should apparently be had to the provisions of the second clause of section 115 of the Rent Act to assist the Fyzabad Commissioner, should the necessity of relieving him of a portion of the appellate work still continue, and the same provisions may be invoked in aid to prevent the inconvenience referred to by the Commissioner of Lucknow in the case of petty appeals, which might with advantage be heard and disposed of by Deputy Commissioners at the head-quarters of the districts in which the litigants reside.

12. The Judicial Commissioner disposed of fewer rent appeals (351 against 446) with the result, however, that in contested cases 72 per cent. of the decisions of Lower Courts were confirmed. The average duration rose from 142 to 231 days, which cannot be pronounced satisfactory. In miscellaneous rent appeals, which were but few in number, it was still higher (255 days).

13. There was again an increase in rent execution cases: fewer debtors were imprisoned; considerably more than half the decrees under execution were fully executed; and in only 28 per cent. were they productive of no result. The figures disclose an improvement compared with the previous year. In Civil and in Rent Courts alike (with the exception of the Kheri Rent Courts) no detention of witnesses took place. The figures, shown in Provincial Return No. XVI (page 33), for Rent Courts appear to indicate a dissimilarity of practice which would seem to call for inquiry. The average number of processes served by each process-server varied from 267 in Sitapur to 718 in Fyzabad, and I am to enquire what is the cause of this. Moreover, although a net surplus is disclosed of Rs. 6,529 for the Province, there was, as in 1887, a deficit in both the Sitapur and Hardoi districts.

14. The total receipts in Civil Courts in Oudh again increased from Rs. 6,18,218 in 1887 to Rs. 6,25,107 in 1888. The expenditure, however, more than counterbalanced this increase, having risen from Rs. 4,54,203 to Rs. 4,63,828, and was due chiefly to an increase in establishment entertained to serve an increased number of processes. The lifference amounted to Rs. 2,737, and the net income to Government was Rs. 1,61,279.

15. In conclusion, I am to say that on the whole the administration of Civil Justice in Oudh appears to have been satisfactory during the period under review.

I have the honor to be,

SIR,

Your most obedient servant,

J. B. THOMSON,

Secy. to Govt., N.-W. P. and Oudh.